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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10506/2018

MOHD. MUDASER AHMADI Petitioner

Through: Petitioner in person.

versus

THE JOINT SECRETARY (PSP) AND CPO,
CPV DIVISION, MEA. AND ORS. Respondents

Through: Mr Rajesh Gogna, CGSC with Mr
Akhilesh Kumar, Advocates for R-1,
2 & 3 with Mr Sandeep Yadav, Asstt.
Suptd.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.10.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “1. Pass a direction to the respondents to decide the appeal of the petitioner dated 17/09/2018 in a time bound manner in the interest of justice.
2. Pass a direction to the respondents to issue certificate of Identity/any other appropriate travel document to the minor daughter of the petitioner for travelling abroad till the final disposal of above said citizenship issue.”

2. By the order dated 12.09.2018, the petitioner's request for issuing a passport to his minor daughter has been rejected. The Regional Passport Office (RPO) has held that the petitioner's daughter is not a citizen of this country by birth in terms of Section 3(1)(c) of the Citizenship Act, 1955 and

therefore, a passport cannot be issued to her in terms of Section 6(2)(a) of the Passports Act, 1967. Although, the petitioner's daughter was born in India, a passport has been denied to her as according to the RPO, the petitioner's mother was not staying in this country legally at the time of her birth. It is stated that this was so because her visa had expired. The petitioner disputes that his wife was an illegal migrant at the time of his daughter's birth.

3. It is stated that the petitioner has filed an appeal under Section 11 of the Passports Act, 1967, which is pending. In the meanwhile, the petitioner seeks that travel documents be provided to her daughter in order for her to travel overseas.

4. The learned counsel appearing for the respondents submits that an approval to that effect has already been sought for by the RPO.

5. In view of the above, the petition is disposed of by directing the respondent to process the petitioner's application for appropriate travel documents for his minor daughter to travel overseas as expeditiously as possible and in any event within a period of four weeks from today. The concerned Appellate Authority is also requested to dispose of the petitioner's appeal as expeditiously as possible and preferably within a period of eight weeks from today.

6. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

OCTOBER 03, 2018
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